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SENATE BILL 563

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY
Joseph Cervantes

AN ACT

RELATING TO PUBLIC SCHOOLS; INCREASING THE MINIMUM
INSTRUCTIONAL HOURS AND DAYS IN A SCHOOL YEAR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
to read:

"22-2-8.1. SCHOOL YEAR--~~[LENGTH OF SCHOOL DAY]~~ MINIMUM
INSTRUCTIONAL HOURS AND DAYS---

~~[A. Except as otherwise provided in this section,
regular students shall be in school-directed programs,
exclusive of lunch, for a minimum of the following:~~

~~(1) kindergarten, for half-day programs, two
and one-half hours per day or four hundred fifty hours per year~~

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1 ~~or, for full-day programs, five and one-half hours per day or~~
2 ~~nine hundred ninety hours per year;~~

3 ~~(2) grades one through six, five and~~
4 ~~one-half hours per day or nine hundred ninety hours per year;~~
5 and

6 ~~(3) grades seven through twelve]~~

7 A. In a school year, public school students shall
8 be in educational programs, exclusive of lunch, for the
9 following minimum instructional hours:

10 (1) for students in kindergarten through fifth
11 grade, five and one-half hours per day or one thousand one
12 hundred twenty-seven and one-half instructional hours in two
13 hundred five days; and

14 (2) for students in sixth through twelfth
15 grades, six hours per day or one thousand eighty hours per
16 year.

17 B. For a school that follows a regular school year
18 calendar, a school year consists of a minimum of two hundred
19 five instructional days for kindergarten through fifth grade
20 that provide the minimum instructional hours established in
21 Paragraph (1) of Subsection A of this section as evenly spaced
22 in a balanced calendar as practicable. For a school that
23 follows a variable school calendar pursuant to the Variable
24 School Calendar Act, the department shall approve a school's
25 requested length and number of instructional days in a school

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1 year that provides the minimum instructional hours established
2 in Paragraph (1) of Subsection A of this section as evenly
3 spaced in a balanced calendar as practicable.

4 C. The following programs may count toward the
5 calculation of the minimum instructional hours in a school
6 year:

7 [~~B.~~] (1) up to thirty-three hours of the
8 [~~full-day~~] kindergarten program [~~may be used~~] for home visits
9 by the teacher or for parent-teacher conferences;

10 (2) up to twenty-two hours of [~~grades one~~
11 ~~through six~~] first through sixth grade programs [~~may be used~~]
12 for home visits by the teacher or for parent-teacher
13 conferences; and

14 (3) up to twelve hours of [~~grades seven~~
15 ~~through twelve~~] seventh through twelfth grade programs [~~may be~~
16 ~~used~~] to consult with parents to develop next step plans for
17 students and for parent-teacher conferences.

18 D. Days or hours when no instruction is given due
19 to weather, in-service training, teacher planning and
20 preparation or other events that are not educational programs
21 or other programs set forth in Subsection C of this section
22 shall not count toward the calculation of minimum instructional
23 hours and days.

24 [~~G.~~] E. Nothing in this section precludes a local
25 school board from [~~setting a school year or the length of~~

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1 ~~school days in excess of~~ increasing the number of minimum
2 ~~[requirements]~~ instructional hours and days established ~~[by~~
3 ~~Subsection A of]~~ in this section.

4 ~~[D. The secretary may waive the minimum length of~~
5 ~~school days in those school districts where such minimums would~~
6 ~~create undue hardships as defined by the department as long as~~
7 ~~the school year is adjusted to ensure that students in those~~
8 ~~school districts receive the same total instructional time as~~
9 ~~other students in the state.~~

10 ~~G.]~~ F. Notwithstanding any other provision of this
11 section, provided that instruction occurs simultaneously, time
12 when breakfast is served or consumed pursuant to a state or
13 federal program shall be deemed to be time in a school-directed
14 program ~~[and is part of the instructional day]~~ that counts
15 toward the calculation of minimum instructional hours."

16 **SECTION 2.** Section 22-8-19 NMSA 1978 (being Laws 1974,
17 Chapter 8, Section 9, as amended) is amended to read:

18 "22-8-19. EARLY CHILDHOOD EDUCATION PROGRAM UNITS.--

19 A. The number of early childhood education program
20 units is determined by multiplying the early childhood
21 education MEM by the cost differential factor ~~[1.44. Early~~
22 ~~childhood education students enrolled in half-day kindergarten~~
23 ~~programs shall be counted for 0.5 early childhood MEM]~~ 1.74.
24 Early childhood education students enrolled in ~~[full-day]~~
25 kindergarten programs shall be counted for 1.0 early childhood

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1 education MEM.

2 B. For the purpose of calculating early childhood
3 education program units, developmentally disabled three- and
4 four-year-old students shall be counted in early childhood
5 education membership. No developmentally disabled three- or
6 four-year-old student shall be counted for more than 0.5 early
7 childhood education MEM."

8 SECTION 3. Section 22-8-20 NMSA 1978 (being Laws 1991,
9 Chapter 85, Section 3, as amended by Laws 1993, Chapter 2,
10 Section 1 and by Laws 1993, Chapter 226, Sections 21 and 22 and
11 also by Laws 1993, Chapter 228, Sections 2 and 3) is amended to
12 read:

13 "22-8-20. BASIC PROGRAM UNITS.--The number of basic
14 program units is determined by multiplying the basic program
15 MEM in each grade by the corresponding cost differential factor
16 as follows:

17	<u>Grades</u>	<u>Cost Differential Factor</u>
18	1	[1.2] <u>1.5</u>
19	2 and 3	[1.18] <u>1.48</u>
20	4 through [6] <u>5</u>	[1.045] <u>1.075</u>
21	[7] <u>6</u> through 12	[1.25] <u>1.55.</u> "

22 SECTION 4. APPLICABILITY.--The provisions of this act
23 apply to the 2017-2018 and subsequent school years.

24 SECTION 5. CONTINGENT EFFECTIVE DATE.--The provisions of
25 this act shall become effective upon certification by the

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1 secretary of state that the constitution of New Mexico has been
2 amended as proposed by a joint resolution of the first session
3 of the fifty-second legislature entitled "A JOINT RESOLUTION
4 PROPOSING TO AMEND ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF
5 NEW MEXICO TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION FROM THE
6 LAND GRANT PERMANENT FUND TO IMPLEMENT AND MAINTAIN A LONGER
7 SCHOOL YEAR FOR PUBLIC SCHOOL STUDENTS IN KINDERGARTEN THROUGH
8 FIFTH GRADE."

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